


Inter-Office
MEMORANDUM

DEPARTMENT OF PUBLIC SAFETY

No. _____

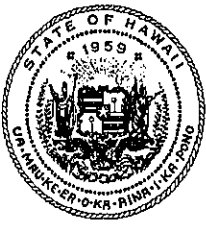
Suspense: _____

December 31, 2015

TO: ALL CONCERNED
FROM:  Nolan P. Espinda, Director
SUBJECT: NEW POLICY COR.03.02 CALCULATION OF ADULT
CORRECTIONS OFFICER WORK UNIT OR WORKPLACE
SENIORITY

The department has formalized a new policy and procedure to outline the agreement with UPW on how to calculate an ACO Work Unit or Workplace Seniority. This policy and procedure incorporates the information provide in the training at Halawa Correctional Facility on September 29, 2015 and the Unit 10 Collective Bargaining Agreement.

If you required any clarification, please contact DPO Colleen Miyasato at 808-587-1221.

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES		EFFECTIVE DATE: December 31, 2015	POLICY NO.: COR.03.02
			SUPERSEDES (Policy No. & Date): NEW	
	SUBJECT: CALCULATION OF ADULT CORRECTIONS OFFICER WORK UNIT OR WORKPLACE SENIORITY			Page 1 of 5

1.0 PURPOSE

To provide procedures within the Department of Public Safety (PSD) Corrections Division regarding the calculation of an Adult Corrections Officer's work unit or workplace seniority date.

2.0 REFERENCES AND FORMS

- .1 United Public Workers (UPW) Unit 10 Collective Bargaining Agreement (CBA).
- .2 Work Unit or Workplace Seniority Form, PSD 1301. (Attached)

3.0 DEFINITIONS

- .1 **Authorized Absence from Work:** An approved absence from work, with or without pay by the Warden or higher authority.
- .2 **Class Series:** Classes similar as to subject matter of work, but differs in difficulty, responsibility, and qualifications.
- .3 **Creditable Service:** Service as the result of time worked and authorized absences with or without pay, excluding unauthorized absences, suspensions, and separation from service.
- .4 **Facility:** A facility consist of one of the following: Halawa Correctional Facility (HCF), Kulani Correctional Facility (KCF), Waiawa Correctional Facility (WCF), Hawaii Community Correctional Center (HCCC), Kauai Community Correctional Center (KCCC), Maui Community Correctional Center (MCCC), Oahu Community Correctional Center (OCCC), Womens Community Correctional Center (WCCC) and Training and Staff Development (TSD).
- .5 **Full Work Day:** A scheduled day of work consisting of at least eight (8) hours.
- .6 **Involuntary Movement from Positions:** An administratively directed movement approved by the Director, which does not affect an ACO's work seniority.
- .7 **Re-employment:** An Employee who separates from employment in good standing and is re-employed within one (1) year.

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- .8 **Separation from Service:** An Employee who terminates employment due to resignation, retirement, discharge, or ends temporary employment.
- .9 **Suspension:** A period of non-creditable absence from work as a result of disciplinary action.
- .10 **Temporary Appointment:** An appointment to a position for a limited term or for a specific period of time.
- .11 **Unauthorized Absence:** Any absence from work, which does not meet the requirements for an authorized leave, with or without pay.
- .12 **Voluntary Movement:** A promotion, demotion, or transfer to another position initiated by an Employee's written request and/or formal application, which is approved by the Director. This action may affect an ACO's work seniority, dependent on whether there is a change in workplace or class series.
- .13 **Workday:** An Employee's scheduled day of work, excluding days off.
- .14 **Workplace Seniority:** An Employee's continuous length of creditable service within a Work Unit of a facility.
- .15 **Workplace Seniority Date:** The start date at a facility less non-creditable service.

4.0 **POLICY**

PSD recognizes that seniority is an important factor and the goal is to create a uniform approach to the calculation of work unit or workplace seniority for Adult Corrections Officers (ACO).

5.0 **PROCEDURES**

- .1 Employee Start Date at the Facility (Workplace)
 - a. Review Employee Personnel Action Report (EPAR) prepared by Personnel-ERT.
 - b. Seniority shall not be credited to an Employee until satisfactory completion of the initial probationary period.

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- c. Employee shall be credited with seniority back to the first day of the initial probationary period, upon satisfactory completion.
- .2 Deduct Non-Creditable Absence by Workday (Full work day of 8 hours)
 - a. Any period of unauthorized absence.
 - b. Any period of suspension.
- .3 Deduct Periods of Temporary Appointment based on calendar day period.
- .4 Additional Events Resulting in Employee's Loss of Workplace Seniority
 - a. Any separation from service including re-employment.
 - b. Any voluntary movement (i.e. voluntary transfer) to a position located at another workplace or in a different class series.
 - c. Any voluntary movement to a position without completing the new probationary period, thereby resulting in a return to the Employee's former position. An involuntary return does not result in a loss of seniority.
- .5 Unauthorized Absences shall be deducted from Workplace Seniority, if the unauthorized absence is for a full eight (8) hour workday, thereby excluding any period less than an eight (8) hour workday. Unauthorized absences includes:
 - a. No Show-No Call when an Employee fails to report to their scheduled shift and fails to provide the required notification via the established facility process.
 - b. No Show when an Employee fails to report to their scheduled shift without approved leave. For example, when an Employee calls to request leave or provides verbal notification, but is not approved any authorized leave.
 - c. Essential Post Violation (61.04a.6.a, Unit 10 CBA) when an Employee who selects an Essential Post does not provide notification of absence on account of sickness two (2) hours prior to the beginning of the work shift for each day of absence and for "family leave" reasons.
 - d. Failure to Submit a Doctor's Note (37.06, Unit 10 CBA) when an Employee fails to submit a licensed physician's certificate for absences of five (5) or more consecutive workdays to substantiate that the absence was due entirely to sickness.
 - e. Any other period of unauthorized leave as defined by Unit 10 CBA or other directives.
- .6 Facility Required Documentation to Adjust Workplace Seniority.

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- a. Facility designee shall adjust workplace seniority date and notify the Employee of the adjustment to the workplace seniority date by utilizing the Work Seniority Notification form, PSD 1301, attached as an exhibit.
- b. Facility designee shall attach all required supporting documents (Attendance Program Investigation, Suspension letter, etc.). Also include a copy of the "leave of absence" form referenced as G-1, only if it was prepared, signed, and initiated by the Employee.
- c. All documentation including PSD 1301 shall be sent to Personnel-ERT.

.7 Personnel-ERT Processing of Adjusted Workplace Seniority Date.

- a. Personnel shall process the PSD 1301 and generate an EPAR within five (5) days of receipt of the documents.
- b. Unauthorized Absence
 - 1) Personnel-ERT shall generate an EPAR and a copy will be sent to the Facility via email or PSD messenger.
 - 2) Only EPARs coded in the "Actn/Rsn" heading with "LOA UNA" or "LOA SUS" shall be utilized to adjust the Employee's workplace seniority date.
 - 3) LOA UNA means leave of absence unauthorized.
 - 4) LOA SUS means leave of absence suspension.
 - 5) The Facility shall furnish a copy of the EPAR to the Employee.
 - 6) The Facility may distribute the Employee's EPAR copy by placing the document in the Employee's mailbox.
- c. Suspensions, Reductions, and Rescindments.
 - 1) Personnel-ERT shall generate an EPAR and send a copy to the Facility Personnel Unit or the Warden's designee.
 - 2) Personnel-LR is responsible for immediately notifying Personnel-ERT of any changes to suspension actions and Personnel-ERT shall generate an EPAR to forward to the facility.
 - 3) The Facility Personnel staff will utilize the EPAR to process the adjustment to the Employee's workplace seniority date.
 - 4) The Facility may distribute the Employee's EPAR copy by placing the document in the Employee's mailbox.

5.0 APPEAL PROCESS

The Employee may appeal any adjustments to the workplace seniority date through the grievance process dictated in the Unit 10 CBA.

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6.0 SCOPE

This policy applies to all PSD correctional facilities and TSD. The Warden or Administrator is responsible for the full implementation of this policy, including the continued recalculation of Work Place Seniority dates and the notification to the employees impacted.

Especially important for the continued timely and accurate calculation(s) of Work Place Seniority is strict adherence to consistent identifying, investigating, and sanctioning of all incurred unauthorized absences by employees. If the program is not fully compliant the Warden or Administrator may be subject to discipline, up to an including discharge.

APPROVAL RECOMMENDED:


Deputy Director for Corrections 12/31/15
Date

APPROVED:


DIRECTOR 12/31/15
Date

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DEPARTMENT OF PUBLIC SAFETY

No. _____

Suspense: _____

DATE

NAME

Adult Corrections Officer **RANK**
FACILITY

Dear **NAME** :

This letter is notification that your Workplace Seniority Date shall be adjusted by
NUMBER (#) day(s) due to Unauthorized Absence(s)/Suspension(s) and any
corresponding adjustment based on a rescindment, reduction, or amendment for due to
for the following date(s):

LIST DATE AND REASON

**Example: 6/1/15 (suspension), 6/2/15 (reduced a suspension), 6/3/15 (NAP case
rescinded)**

The following documents are attached for your review:

- ☐ Attendance Program Investigation
- ☐ Disciplinary Suspension Letter
- ☐ Application for Leave of Absence Form (G-1) prepared by Employee (only)
- ☐ Leave Record Card (DHRD Form 7)
- ☐ Other

Based on the above information, your Workplace Seniority Date has been adjusted from
DATE to a new Workplace Seniority Date of **DATE**. This letter is submitted in lieu of an
Application for Leave of Absence (Form G-1).

If you disagree with the above information you may appeal any adjustments to your
workplace seniority date through the grievance process as dictated in the Unit 10
Collective Bargaining Agreement.

Sincerely,

WARDEN

Attachment

I acknowledge receipt of this letter:

Witnessed by:

Employee Signature Date

Print Name/Signature Date

c: PER ERT, PER LR, Warden, UPW